

**DISTRICT COURT OF THE VIRGIN ISLANDS**

**DIVISION OF ST. CROIX**

**LILLIAN SUTHERLAND,**

**Plaintiff,**

**v.**

**HYANNIS AIR SERVICES, INC. d/b/a  
CAPE AIR,**

**Defendant.**

**2006-CV-0001**

**TO: Lee J. Rohn, Esq.  
Chad C. Messier, Esq.**

**ORDER REGARDING PLAINTIFF'S MOTION TO COMPEL DEFENDANT FOR  
COMPLETE RESPONSE [sic] TO DISCOVERY**

THIS MATTER came before the Court upon the parties' Joint Stipulation Regarding Plaintiff's Motion to Compel Defendant For Complete Response [sic] to Discovery (Docket No. 30).

Having reviewed the parties' joint stipulation, the Court makes the following findings:

Interrogatory No. 1: Defendant has responded adequately. No further response is necessary.

*Sutherland v. Hyannis Air Services, Inc.*

2006-CV-0001

Order Regarding Plaintiff's Motion to Compel

Page 2

Interrogatory No. 8: Defendant has responded adequately. Its reference to documents already produced was specific and detailed enough to identify the documents. Fed. R. Civ. P. 33(d). No further response is necessary.

Interrogatory No. 9: Defendant shall supplement with a narrative response regarding any procedures followed on the date of the incident.

Interrogatory No. 10: Defendant shall supplement with the citation to the appropriate Federal Regulations relevant to the maintenance and operation of its aircraft.

Interrogatory No. 11: Defendant shall supplement with a narrative response regarding anything that was done to maintain, clean and/or service the aircraft on the date of the incident.

Interrogatory No. 14: Defendant properly narrowed the scope of the question to the wemac vent and responded adequately. No further response is necessary.

Interrogatory No. 19: Defendant shall supplement properly, without waiving its privilege objections, regarding its contention that it has not conducted any investigation, etc. of the incident.

*Sutherland v. Hyannis Air Services, Inc.*

2006-CV-0001

Order Regarding Plaintiff's Motion to Compel

Page 3

Interrogatory Nos. 20-24: Defendant shall supplement with any currently known facts.

Demand For Production Nos. 1-4, 15, and 17: Pursuant to the holding in *Dade Engineering Corp. v. Reese*, No. 2005/149, 2006 WL 1222221 (D.V.I. April 13, 2006), the Court declines to find that Defendant has waived its attorney-client privilege in the absence of a privilege log. The Court will direct Defendant to submit a privilege log of withheld documents other than correspondence or communication between Defendant and its attorneys and/or paralegals.

Accordingly, it is now hereby **ORDERED**:

1. Plaintiff's Motion to Compel Defendant For More Complete Response [sic] to Discovery (Docket No. 30) is **GRANTED IN PART AND DENIED IN PART**.
2. Plaintiff's motion is denied with regard to Interrogatory Nos. 1, 8, and 14.

*Sutherland v. Hyannis Air Services, Inc.*

2006-CV-0001

Order Regarding Plaintiff's Motion to Compel

Page 4

3. Defendant shall supplement, within ten (10) days from the date of entry of this order, its responses to Interrogatory Nos. 9-11, 19-24, as more fully described hereinabove.
4. Defendant shall submit a privilege log of withheld documents, other than correspondence or communication between Defendant and its attorneys and/or paralegals, that are responsive to Demand For Production Nos. 1-4, 15, and 17.

ENTER:

Dated: December 21, 2007

\_\_\_\_\_/s/  
GEORGE W. CANNON, JR.  
U.S. MAGISTRATE JUDGE